



Sen. Don Harmon

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09700SB3727sam001

LRB097 14566 DRJ 67012 a

1 AMENDMENT TO SENATE BILL 3727

2 AMENDMENT NO. _____. Amend Senate Bill 3727 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Swimming Facility Act is amended by
5 changing Sections 2, 3, 3.01, 3.02, 3.05, 3.10, 3.12, 3.13, 4,
6 5, 6, 8, 9, 11, 13, 17, 20, 21, 22, 23, and 27 and by adding
7 Sections 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 5.1,
8 5.2, 8.1, 8.2, 8.3, 20.5, 22.2, 30, 31, and 32 as follows:

9 (210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)

10 Sec. 2. Legislative purpose. It is found that there exists,
11 and may in the future exist, within the State of Illinois
12 public swimming facilities, including swimming pools, spas,
13 water slides, public bathing beaches, and other swimming
14 facilities, which are substandard in one or more important
15 features of safety, cleanliness or sanitation. Such conditions
16 adversely affect the public health, safety and general welfare

1 of persons.

2 Therefore, the purpose of this Act is to protect, promote
3 and preserve the public health, safety and general welfare by
4 providing for the establishment and enforcement of minimum
5 standards for safety, cleanliness and general sanitation for
6 all swimming facilities, including swimming pools, spas, water
7 slides, public bathing beaches, and other aquatic features now
8 in existence or hereafter constructed, developed, or altered,
9 and to provide for inspection and licensing of all such
10 facilities.

11 (Source: P.A. 96-1081, eff. 7-16-10.)

12 (210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)

13 Sec. 3. Definitions. As used in this Act, unless the
14 context otherwise requires, the terms specified in Sections
15 3.01 through 3.21 ~~3.13~~ have the meanings ascribed to them in
16 those Sections.

17 (Source: P.A. 96-1081, eff. 7-16-10.)

18 (210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)

19 Sec. 3.01. Swimming pool. "Swimming Pool" means any
20 artificial basin of water which is modified, improved,
21 constructed or installed for the purpose of public swimming,
22 wading, floating, or diving, and includes: pools for community
23 use, pools at apartments, condominiums, and other groups or
24 associations having 5 or more living units, clubs, churches,

1 camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks,
2 recreational areas, motels, hotels, health clubs, golf and
3 country clubs, and other commercial establishments. It does not
4 include pools at private single-family residences intended
5 only for the use of the owner and guests.

6 (Source: P.A. 92-18, eff. 6-28-01.)

7 (210 ILCS 125/3.02) (from Ch. 111 1/2, par. 1203.02)

8 Sec. 3.02. "Public Bathing Beach" means any body of water,
9 except as defined in Section 3.01, or that portion thereof used
10 for the purpose of public swimming or recreational bathing, and
11 includes beaches at: apartments, condominiums, subdivisions,
12 and other groups or associations having 5 or more living units,
13 clubs, churches, camps, schools, institutions, parks,
14 recreational areas, motels, hotels and other commercial
15 establishments. It includes shores, equipments, buildings and
16 appurtenances pertaining to such areas. It does not include
17 bathing beaches at private residences intended only for the use
18 of the owner and guests.

19 (Source: P.A. 78-1149.)

20 (210 ILCS 125/3.05) (from Ch. 111 1/2, par. 1203.05)

21 Sec. 3.05. "Person" means any individual, group of
22 individuals, association, trust, partnership, limited
23 liability company, corporation, person doing business under an
24 assumed name, county, municipality, the State of Illinois, or

1 any political subdivision or department thereof, or any other
2 entity.

3 (Source: P.A. 78-1149.)

4 (210 ILCS 125/3.10)

5 Sec. 3.10. Spa. "Spa" means a basin of water designed for
6 recreational or therapeutic use that is not drained, cleaned,
7 or refilled for each user. It may include hydrojet circulation,
8 hot water, cold water mineral bath, air induction bubbles, or
9 some combination thereof. It includes "therapeutic pools",
10 "hydrotherapy pools", "whirlpools", "cold spas", "hot spas",
11 and "hot tubs". It does not include these facilities at
12 individual single-family residences intended for use by the
13 occupant and his or her guests.

14 (Source: P.A. 92-18, eff. 6-28-01.)

15 (210 ILCS 125/3.12)

16 Sec. 3.12. Swimming facility. "Swimming Facility" means a
17 swimming pool, spa, public bathing beach, ~~water slide, lazy~~
18 ~~river, spray pool,~~ or other aquatic feature and its
19 appurtenances, singular or aggregated together, that exists
20 for the purpose of providing recreation or therapeutic services
21 to the public. It does not include isolation or flotation
22 tanks.

23 (Source: P.A. 96-1081, eff. 7-16-10.)

1 (210 ILCS 125/3.13)

2 Sec. 3.13. Spray pool. "Spray pool" means an aquatic
3 feature ~~recreational facility~~ that is not a swimming pool and
4 that has structures or fittings for spraying, dumping, or
5 shooting water. The term does not include features ~~facilities~~
6 having as a source of water a public water supply that is
7 regulated by the Illinois Environmental Protection Agency or
8 the Illinois Department of Public Health and that has no
9 capacity to recycle water.

10 (Source: P.A. 96-1081, eff. 7-16-10.)

11 (210 ILCS 125/3.14 new)

12 Sec. 3.14. Prequalified architect or prequalified
13 professional engineer. "Prequalified architect" or
14 "prequalified professional engineer" means an individual who
15 is prequalified by the Department and is responsible for
16 coordinating the design, planning, and creation of
17 specifications for swimming facilities and for applying for a
18 permit for construction or major alteration.

19 (210 ILCS 125/3.15 new)

20 Sec. 3.15. Prequalified swimming facility contractor.
21 "Prequalified swimming facility contractor" means an
22 individual who is prequalified by the Department to perform the
23 construction, installation, modification, or repair of a
24 swimming facility and its appurtenances.

1 (210 ILCS 125/3.16 new)

2 Sec. 3.16. Aquatic feature. "Aquatic feature" means any
3 single element of a swimming facility other than a swimming
4 pool or spa or bathing beach, including, but not limited to, a
5 lazy river, water slide, spray pool, or other feature that
6 provides aquatic recreation or therapy.

7 (210 ILCS 125/3.17 new)

8 Sec. 3.17. Lapsed fee. "Lapsed fee" means the amount
9 charged to a licensee for failing to renew a swimming facility
10 license within one year after the expiration of the license.
11 This fee is in addition to any other fees associated with
12 renewal of a swimming facility license.

13 (210 ILCS 125/3.18 new)

14 Sec. 3.18. Living unit. "Living unit" means a home, mobile
15 home, duplex unit, apartment unit, condominium unit, or any
16 dwelling unit in a multi-unit residential structure or a
17 campground lot.

18 (210 ILCS 125/3.19 new)

19 Sec. 3.19. Major alteration. "Major alteration" means any
20 change to a swimming facility or its aquatic features or
21 appurtenances that alters the facility's functionality or
22 as-built or as-permitted condition. This includes, but is not

1 limited to, an alteration of a pool that changes the water
2 surface area, depth, or volume, addition of a permanently
3 installed appurtenance such as a diving board, slide, or
4 starting platform, modification of the design of the
5 recirculation system, and replacement or modification of a
6 bather preparation facility. It does not include maintenance or
7 minor repair or the replacement of equipment with matching
8 components.

9 (210 ILCS 125/3.20 new)

10 Sec. 3.20. Subsequent inspection. "Subsequent inspection"
11 means any inspection made by the Department or its agents for
12 purposes of annual renewals, responding to a substantiated
13 complaint, complying with a request by the licensee or its
14 agent, or ensuring compliance with an order of the Department.
15 The term does not include initial inspections relating to
16 permitted construction, interim compliance inspections, or
17 Department inspections in a case in which no violations are
18 found.

19 (210 ILCS 125/3.21 new)

20 Sec. 3.21. Initial review. "Initial review" means the
21 first review of any submittal made by an applicant for a permit
22 for construction or major alteration, as provided for in
23 Section 5 of this Act.

1 (210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

2 Sec. 4. License to operate. After May 1, 2002, it shall be
3 unlawful for any person to open, establish, maintain or operate
4 a swimming facility within this State without first obtaining a
5 license therefor from the Department. Applications for
6 original licenses shall be made on forms furnished by the
7 Department. Each application to the Department shall be signed
8 by the applicant and accompanied by an affidavit of the
9 applicant as to the truth of the application ~~and, except in the~~
10 ~~ease of an application by an organization incorporated under~~
11 ~~the General Not for Profit Corporation Act, as amended, by the~~
12 ~~payment of a license application fee of \$50. License fees are~~
13 ~~not refundable.~~ Each application shall contain: the name and
14 address of the applicant, or names and addresses of the
15 partners if the applicant is a partnership, or the name and
16 addresses of the officers if the applicant is a corporation or
17 the names and addresses of all persons having an interest
18 therein if the applicant is a group of individuals,
19 association, or trust; and the location of the swimming
20 facility. A license shall be valid only in the possession of
21 the person to whom it is issued and shall not be the subject of
22 sale, assignment, or other transfer, voluntary, or
23 involuntary, nor shall the license be valid for any premises
24 other than those for which originally issued. Upon receipt of
25 an application for an original license the Department shall
26 inspect such swimming facility to insure compliance with this

1 Act.

2 (Source: P.A. 96-1081, eff. 7-16-10.)

3 (210 ILCS 125/5) (from Ch. 111 1/2, par. 1205)

4 Sec. 5. Permit for construction or major alteration. No
5 swimming facility shall be constructed, developed, installed,
6 or altered in a major manner until plans, specifications, and
7 other information relative to such swimming facility and
8 appurtenant facilities as may be requested on forms provided by
9 the Department are submitted to and reviewed by the Department
10 and found to comply with minimum sanitary and safety
11 requirements and design criteria, and until a permit for the
12 construction or development is issued by the Department.
13 Permits are valid for a period of one year from date of issue.
14 They may be reissued upon application to the Department and
15 payment of the permit fee ~~as provided in this Act.~~

16 The fee to be paid by an applicant, ~~other than an~~
17 ~~organization incorporated under the General Not for Profit~~
18 ~~Corporation Act, as now or hereafter amended,~~ for a permit for
19 construction, development, major alteration, or installation
20 of each swimming facility shall be in accordance with Sections
21 8.1, 8.2, and 8.3 of this Act and is \$50, which shall accompany
22 such application.

23 (Source: P.A. 96-1081, eff. 7-16-10.)

24 (210 ILCS 125/5.1 new)

1 Sec. 5.1. Permit applications; certification. Permit
2 applications shall be made by an architect or engineer
3 prequalified in accordance with Section 30 of this Act. Such
4 applications will include the sealed technical submissions of
5 the prequalified architect or prequalified professional
6 engineer responsible for the application. The requirements for
7 permit applications by a prequalified architect or
8 prequalified professional engineer shall take effect upon
9 adoption of rules to implement Section 30 of this Act.

10 (210 ILCS 125/5.2 new)

11 Sec. 5.2. Plan resubmittal. Those permit applications
12 failing to qualify for a permit for construction or major
13 alteration after review by the Department shall be
14 supplemented, within 30 days, by a plan resubmittal or the
15 application for permit shall be deemed null and void. Such
16 resubmittals shall include, but not be limited to, revised
17 plans, specifications and other required documentation
18 sufficient to correct deficiencies in the application and
19 demonstrate compliance with the rules. All plan resubmittals
20 shall be submitted to the Department by a prequalified
21 architect or prequalified professional engineer and shall be
22 accompanied by a fee in accordance with Sections 8.1, 8.2 and
23 8.3 of this Act. The requirements for plan resubmittal by a
24 prequalified architect or prequalified professional engineer
25 shall take effect upon adoption of rules to implement Section

1 30 of this Act.

2 (210 ILCS 125/6) (from Ch. 111 1/2, par. 1206)

3 Sec. 6. License renewal. Applications and fees for renewal
4 of the license shall be made in writing by the holder of the
5 license, on forms furnished by the Department, ~~and, except in~~
6 ~~the case of an application by an organization incorporated~~
7 ~~under the General Not for Profit Corporation Act, as now or~~
8 ~~hereafter amended,~~ shall be accompanied by a license
9 application fee in accordance with Sections 8.1, 8.2, and 8.3
10 of this Act ~~of \$50~~, which shall not be refundable, and shall
11 contain any change in the information submitted since the
12 original license was issued or the latest renewal granted. In
13 addition to any other fees required under this Act, a late fee
14 in accordance with Sections 8.1, 8.2, and 8.3 of this Act ~~of~~
15 ~~\$20~~ shall be charged when any renewal application is received
16 by the Department after the license has expired; ~~however,~~
17 ~~educational institutions and units of State or local government~~
18 ~~shall not be required to pay late fees.~~ If, after inspection,
19 the Department is satisfied that the swimming facility is in
20 substantial compliance with the provisions of this Act and the
21 rules ~~and regulations~~ issued thereunder, the Department shall
22 issue the renewal license. No license shall be renewed if the
23 licensee has unpaid fines, fees, or penalties owed to the
24 Department.

25 (Source: P.A. 96-1081, eff. 7-16-10.)

1 (210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)

2 Sec. 8. Payment of fees; display of licenses. All fees and
3 penalties generated under the authority of this Act shall be
4 deposited into the Facility Licensing Fund and, subject to
5 appropriation, shall be used by the Department in the
6 administration of this Act. All fees and penalties shall be
7 submitted in the form of a check or money order, or by other
8 means authorized by the Department. All licenses provided for
9 in this Act shall be displayed in a conspicuous place for
10 public view, within or on such premises. In case of revocation
11 or suspension, the licensee ~~owner or operator or both~~ shall
12 cause the license to be removed and to post the notice of
13 revocation or suspension issued by the Department. Fees for a
14 permit for construction or major alteration, an original
15 license, and a plan resubmittal shall be determined by the
16 total water surface area of the swimming facility, except that
17 aquatic features and bathing beaches shall be charged a fixed
18 fee regardless of water surface area. License renewal fees
19 shall be determined by the total water surface area of the
20 swimming facility, except that aquatic features and bathing
21 beaches shall be charged a fixed fee regardless of water
22 surface area. Late renewal, lapsed, initial inspection, and
23 subsequent inspection fees shall be fixed fees regardless of
24 water surface area.

25 Fees shall be determined in accordance with the ownership

1 designation of the swimming facility at the time of
 2 application.

3 (Source: P.A. 96-1081, eff. 7-16-10.)

4 (210 ILCS 125/8.1 new)

5 Sec. 8.1. Fee schedule for all licensees except certain
 6 tax-exempt organizations, governmental units, and public
 7 elementary and secondary schools. The fee schedule for all
 8 licensees, except those specifically identified in Sections
 9 8.2 and 8.3 of this Act, shall be as follows:

<u>Water Surface</u>	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
<u>Area or Other</u>	<u>Permit Fee</u>	<u>Alteration Fee</u>	<u>Resubmittal</u>
<u>Feature</u>			<u>Fee</u>
<u>0-500 sq ft</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>501-1,000 sq ft</u>	<u>\$1,250</u>	<u>\$625</u>	<u>\$200</u>
<u>1,001-2,000 sq</u>			
<u>ft</u>	<u>\$1,500</u>	<u>\$750</u>	<u>\$200</u>
<u>2,001 sq ft and</u>			
<u>up</u>	<u>\$1,950</u>	<u>\$975</u>	<u>\$200</u>
<u>Aquatic Feature</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>Bathing Beach</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>Water Surface Area or Other</u>		<u>Original License and License</u>	
<u>Feature</u>		<u>Renewal Fee</u>	
<u>0-500 sq ft</u>		<u>\$150</u>	

1	<u>501-1,000 sq ft</u>	<u>\$300</u>
2	<u>1,001-2,000 sq ft</u>	<u>\$400</u>
3	<u>2,001 sq ft and up</u>	<u>\$500</u>
4	<u>Aquatic Feature</u>	<u>\$150</u>
5	<u>Bathing Beach</u>	<u>\$150</u>
6	<u>Late Renewal Fee</u>	<u>\$100</u>
7	<u>Lapsed Fee</u>	<u>\$150</u>
8	<u>Inspections</u>	<u>Fee</u>
9	<u>Initial Inspection</u>	<u>\$150</u>
10	<u>Subsequent Inspection</u>	<u>\$75</u>

11 All fees set forth in this Section shall be charged on a
12 per-swimming-facility or per-aquatic-feature basis, unless
13 otherwise noted.

14 (210 ILCS 125/8.2 new)

15 Sec. 8.2. Fee schedule for certain tax-exempt
16 organizations. The fee schedule for a licensee that is an
17 organization recognized by the United States Internal Revenue
18 Service as tax-exempt under Title 26 of the United States Code,
19 Section 501(c)(3) shall be as follows:

20	<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
21	<u>Area or Other</u>	<u>Permit Fee</u>	<u>Fee</u>	<u>Resubmittal</u>
22	<u>Feature</u>			<u>Fee</u>

1	<u>0-500 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
2	<u>501-1,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
3	<u>1,001-2,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
4	<u>2,001 sq ft and</u>			
5	<u>up</u>	<u>\$150</u>	<u>\$200</u>	<u>\$200</u>
6	<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
7	<u>Bathing Beach</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>

8	<u>Water Surface Area or Other</u>	<u>Original License and License</u>
9	<u>Feature</u>	<u>Renewal Fee</u>
10	<u>0-500 sq ft</u>	<u>\$0</u>
11	<u>501-1,000 sq ft</u>	<u>\$0</u>
12	<u>1,001-2,000 sq ft</u>	<u>\$0</u>
13	<u>2,001 sq ft and up</u>	<u>\$0</u>
14	<u>Aquatic Feature</u>	<u>\$75</u>
15	<u>Bathing Beach</u>	<u>\$75</u>
16	<u>Late Renewal Fee</u>	<u>\$50</u>
17	<u>Lapsed Fee</u>	<u>\$75</u>
18	<u>Inspections</u>	<u>Fee</u>
19	<u>Initial Inspection</u>	<u>\$0</u>
20	<u>Subsequent Inspection</u>	<u>\$100</u>

21 All fees set forth in this Section shall be charged on a
22 per-swimming-facility or per-aquatic-feature basis.

1 (210 ILCS 125/8.3 new)

2 Sec. 8.3. Fee schedule for certain governmental units and
 3 schools. The fee schedule for a licensee that is a unit of
 4 State or local government or a public elementary or secondary
 5 school shall be as follows:

6	<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
7	<u>Area or Other</u>	<u>Permit Fee</u>	<u>Permit Fee</u>	<u>Resubmittal</u>
8	<u>Feature</u>			<u>Fee</u>
9	<u>0-500 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
10	<u>501-1,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
11	<u>1,001-2,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
12	<u>2,001 sq ft and</u>			
13	<u>up</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
14	<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
15	<u>Bathing Beach</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
16	<u>Water Surface Area or Other</u>		<u>Original License and License</u>	
17	<u>Feature</u>		<u>Renewal Fee</u>	
18	<u>0-500 sq ft</u>		<u>\$0</u>	
19	<u>501-1,000 sq ft</u>		<u>\$0</u>	
20	<u>1,001-2,000 sq ft</u>		<u>\$0</u>	
21	<u>2,001 sq ft and up</u>		<u>\$0</u>	
22	<u>Aquatic Feature</u>		<u>\$0</u>	
23	<u>Bathing Beach</u>		<u>\$0</u>	
24	<u>Late Renewal Fee</u>		<u>\$50</u>	

1	<u>Lapsed Fee</u>	<u>\$75</u>
2	<u>Inspections</u>	<u>Fee</u>
3	<u>Initial Inspection</u>	<u>\$0</u>
4	<u>Subsequent Inspection</u>	<u>\$100</u>

5 Construction permit fees and major alteration permit fees
6 set forth in this Section shall be due only if the Department
7 produces an initial review within 60 days after receipt of the
8 application. Aquatic feature construction permit and major
9 alteration permit fees shall be charged at the rates set forth
10 in this Section per feature when the number of such features is
11 greater than one. All other fees set forth in this Section
12 shall be charged on a per-swimming-facility or
13 per-aquatic-feature basis.

14 (210 ILCS 125/9) (from Ch. 111 1/2, par. 1209)

15 Sec. 9. Inspections. Subject to constitutional
16 limitations, the Department, by its representatives, after
17 proper identification, is authorized and shall have the power
18 to enter at reasonable times upon private or public property
19 for the purpose of inspecting and investigating conditions
20 relating to the enforcement of this Act and regulations issued
21 hereunder. Written notice of all violations shall be given to
22 each person against whom a violation is alleged ~~the owners,~~
23 ~~operators and licensees of swimming facilities.~~

1 (Source: P.A. 92-18, eff. 6-28-01.)

2 (210 ILCS 125/11) (from Ch. 111 1/2, par. 1211)

3 Sec. 11. Department's agents. The Department may designate
4 certified local health departments as its agents for purposes
5 of carrying out this Act. An agent so designated may charge
6 fees, as prescribed by this Act, for costs associated with
7 enforcing this Act. ~~full time Municipal, District, County or~~
8 ~~multiple County Health Departments as its agents in making~~
9 ~~inspections and investigations.~~

10 (Source: P.A. 78-1149.)

11 (210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)

12 Sec. 13. Rules. The Department shall promulgate, publish,
13 adopt and amend such rules as may be necessary for the proper
14 enforcement of this Act, to protect the health and safety of
15 the public using swimming facilities ~~such pools and beaches,~~
16 ~~spas,~~ and their ~~other~~ appurtenances, and may, when necessary,
17 utilize the services of any other state agencies to assist in
18 carrying out the purposes of this Act. These rules shall
19 include but are not limited to design criteria for swimming
20 facility areas and bather preparation facilities, standards
21 relating to sanitation, cleanliness, plumbing, water supply,
22 sewage and solid waste disposal, design and construction of all
23 equipment, buildings, rodent and insect control, communicable
24 disease control, safety and sanitation of appurtenant swimming

1 facilities. The rules must include provisions for the
2 prevention of bather entrapment or entanglement at new and
3 existing swimming facilities. Bather preparation facilities
4 consisting of dressing room space, toilets and showers shall be
5 available for use of patrons of swimming facilities, except as
6 provided by Department rules.

7 (Source: P.A. 96-1081, eff. 7-16-10.)

8 (210 ILCS 125/17) (from Ch. 111 1/2, par. 1217)

9 Sec. 17. Subpoenas; witness fees. The Director or Hearing
10 Officer may compel by subpoena or subpoena duces tecum the
11 attendance and testimony of witnesses and the production of
12 records or documents either in electronic or paper form ~~books~~
13 ~~and papers~~ and administer oaths to witnesses. All subpoenas
14 issued by the Director or Hearing Officer may be served as
15 provided for in a civil action.

16 The fees of witnesses for attendance and travel shall be
17 the same as the fees for witnesses before the circuit court and
18 shall be paid by the party to such proceeding at whose request
19 the subpoena is issued. If such subpoena is issued at the
20 request of the Department, the witness fee shall be paid as an
21 administrative expense.

22 In cases of refusal of a witness to attend or testify, or
23 to produce records or documents ~~books or papers~~, concerning any
24 matter upon which he might be lawfully examined, the circuit
25 court of the county where the hearing is held, upon application

1 of any party to the proceeding, may compel obedience by
2 proceeding as for contempt.

3 (Source: P.A. 83-334.)

4 (210 ILCS 125/20) (from Ch. 111 1/2, par. 1220)

5 Sec. 20. Judicial review. The Department is not required to
6 certify any record or file any answer or otherwise appear in
7 any proceeding for judicial review unless there is filed in the
8 court with the complaint a receipt from the Department
9 acknowledging payment of the costs of furnishing and certifying
10 the record, which costs shall be computed at the rate of \$1 per
11 page of such record ~~the party filing the complaint deposits~~
12 ~~with the clerk of the court the sum of \$1 per page representing~~
13 ~~costs of such certification.~~ Failure on the part of the
14 plaintiff to make such deposit shall be grounds for dismissal
15 of the action.

16 (Source: P.A. 82-1057.)

17 (210 ILCS 125/20.5 new)

18 Sec. 20.5. Reproduction of records. The Department may
19 charge \$0.25 per each 8.5" x 11" page, whether paper or
20 electronic, for copies of records held by the Department
21 pursuant to this Act. For documents larger than 8.5" x 11",
22 actual copying costs plus \$0.25 per page shall apply.

23 (210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

1 Sec. 21. Closure of facility. Whenever the Department finds
2 any violation of this Act or the rules promulgated under this
3 Act, if the violation presents an emergency or risk to public
4 health, the Department shall, without prior notice or hearing,
5 issue a written notice, immediately order the owner, operator,
6 or licensee to close the swimming facility and to prohibit any
7 person from using such facilities. Notwithstanding any other
8 provisions in this Act, such order shall be effective
9 immediately.

10 The notice shall state the reasons prompting the closing of
11 the facilities and a copy of the notice must be posted
12 conspicuously at the pool or beach by the owner, operator or
13 licensee.

14 The Attorney General and the State's Attorney and Sheriff
15 of the county in which the swimming facility is located shall
16 enforce the closing order after receiving notice thereof.

17 Any owner, operator or licensee affected by such an order
18 is entitled, upon written request to the Department, to a
19 hearing as provided in this Act.

20 When such violations are abated in the opinion of the
21 Department, the Department may authorize reopening the
22 swimming facility.

23 (Source: P.A. 96-1081, eff. 7-16-10.)

24 (210 ILCS 125/22) (from Ch. 111 1/2, par. 1222)

25 Sec. 22. Criminal penalties. Any person who violates this

1 Act or any rule ~~or regulation~~ adopted by the Department, or who
2 violates any determination or order of the Department under
3 this Act, shall be guilty of a Class A misdemeanor punishable
4 by a fine of \$1,000 for each day the violation exists, in
5 addition to civil penalties, or up to 6 months imprisonment, or
6 both a fine and imprisonment.

7 Each day's violation constitutes a separate offense. The
8 State's Attorney of the county in which the violation occurred,
9 or the Attorney General shall bring such actions in the name of
10 the people of the State of Illinois, ~~or may in addition to~~
11 ~~other remedies provided in this Act, bring action for an~~
12 ~~injunction to restrain such violation, or to enjoin the~~
13 ~~operation of any such establishment.~~

14 (Source: P.A. 78-1149.)

15 (210 ILCS 125/22.2 new)

16 Sec. 22.2. Civil enforcement. The Department may impose
17 administrative civil penalties for violations of this Act and
18 the rules promulgated thereunder, pursuant to rules for such
19 penalties adopted by the Department. The State's Attorney of
20 the county in which the violation occurred, or the Attorney
21 General, shall bring actions for collection of penalties
22 imposed under this Section in the name of the people of the
23 State of Illinois. The State's Attorney or Attorney General
24 may, in addition to other remedies provided in this Act, bring
25 an action (i) for an injunction to restrain the violation, (ii)

1 to impose civil penalties (if no penalty has been imposed by
2 the Department), or (iii) to enjoin the operation of any such
3 person or establishment.

4 (210 ILCS 125/23) (from Ch. 111 1/2, par. 1223)

5 Sec. 23. Applicability of Act. Nothing in this Act shall be
6 construed to exclude the State of Illinois and Departments and
7 educational institutions thereof and units of local government
8 except that the provisions in this Act for fees or late fees
9 for licenses and permits, and the provisions for civil
10 penalties, fines ~~fine~~ and imprisonment shall not apply to the
11 State of Illinois, to Departments and educational institutions
12 thereof, or units of local government. This Act shall not apply
13 to beaches operated by units of local government located on
14 Lake Michigan.

15 (Source: P.A. 96-1081, eff. 7-16-10.)

16 (210 ILCS 125/27) (from Ch. 111 1/2, par. 1227)

17 Sec. 27. Adoption of ordinances. Any unit of government
18 having a certified local ~~full-time municipal, district, county~~
19 ~~or multiple county~~ health department and which employs full
20 time a ~~physician licensed in Illinois to practice medicine in~~
21 ~~all its branches and a~~ professional engineer, registered in
22 Illinois, with a minimum of 2 years' experience in
23 environmental health, may administer and enforce this Act by
24 adopting an ordinance electing to administer and enforce this

1 Act and adopting by reference the rules ~~and regulations~~
2 promulgated and amended from time to time by the Department
3 under authority of this Act.

4 A unit of local government that so qualified and elects to
5 administer and enforce this Act shall furnish the Department a
6 copy of its ordinance and the names and qualifications of the
7 employees required by this Act. The unit of local government
8 ordinance shall then prevail in lieu of the state licensure ~~fee~~
9 and inspection program with the exception of Section 5 of this
10 Act which provides for permits for construction or major
11 alteration, and Sections 5.1, 5.2, 30, and 31, development and
12 installation, which provisions shall continue to be
13 administered by the Department. With the exception of permits
14 as provided for in Section 5 of this Act, a unit of local
15 government may collect fees, as prescribed in this Act, for
16 administration of ordinances adopted pursuant to this Section.
17 Units of local government shall require such State permits as
18 provided in Section 5 prior to issuing licenses for swimming
19 facilities constructed, ~~developed, installed,~~ or altered in a
20 major manner in accordance with this Act ~~after the effective~~
21 ~~date of this Act.~~

22 Not less than once each year the Department shall evaluate
23 each unit of local government's licensing and inspection
24 program to determine whether such program is being operated and
25 enforced in accordance with this Act and the rules and
26 regulations promulgated thereunder. If the Department finds,

1 after investigation, that such program is not being enforced
2 within the provisions of this Act or the rules and regulations
3 promulgated thereunder, the Director shall give written notice
4 of such findings to the unit of government. If the Department
5 finds, not less than 30 days after ~~of~~ such given notice, that
6 the program is not being conducted and enforced within the
7 provisions of this Act or the rules ~~and regulations~~ promulgated
8 thereunder, the Director shall give written notice to the unit
9 of government that its authority to administer this Act is
10 revoked. Any unit of government whose authority to administer
11 this Act is revoked may request an administrative hearing as
12 provided in this Act. If the unit of government fails to
13 request a hearing within 15 days after receiving the notice or
14 if, after such hearing, the Director confirms the revocation,
15 all swimming facilities then operating under such unit of
16 government shall be immediately subject to the State licensure
17 fee and inspection program, until such time as the unit of
18 government is again authorized by the Department to administer
19 and enforce this Act.

20 (Source: P.A. 92-18, eff. 6-28-01.)

21 (210 ILCS 125/30 new)

22 Sec. 30. Prequalified architect or prequalified
23 professional engineer.

24 (a) Any person responsible for designing, planning, and
25 creating specifications for swimming facilities and for

1 applying for a permit for construction or major alteration of a
2 swimming facility must be an architect or professional engineer
3 prequalified by the Department. A prequalified architect or
4 prequalified professional engineer must be registered and in
5 good standing with the Illinois Department of Financial and
6 Professional Regulation and must possess public swimming
7 facility design experience as determined by rules promulgated
8 by the Department. Persons seeking prequalification pursuant
9 to this Section shall apply for prequalification pursuant to
10 rules adopted by the Department.

11 (b) In addition to any other power granted in this Act to
12 adopt rules, the Department may adopt rules relating to the
13 issuance or renewal of the prequalification of an architect or
14 professional engineer or the suspension of the
15 prequalification of any such person or entity, including,
16 without limitation, a summary suspension without a hearing
17 founded on any one or more of the bases set forth in this
18 subsection.

19 The bases for an interim or emergency suspension of the
20 prequalification of an architect or professional engineer
21 include, but are not limited to, the following:

22 (1) A finding by the Department that the public
23 interest, safety, or welfare requires a summary suspension
24 of the prequalification without a hearing.

25 (2) The occurrence of an event or series of events
26 which, in the Department's opinion, warrants a summary

1 suspension of the prequalification without a hearing. Such
2 events include, without limitation: (i) the indictment of
3 the holder of the prequalification by a State or federal
4 agency or another branch of government for a crime; (ii)
5 the suspension of a license or prequalification by another
6 State agency or by a federal agency or another branch of
7 government after a hearing; (iii) failure to comply with
8 State law, including, without limitation, this Act and the
9 rules promulgated thereunder; and (iv) submission of
10 fraudulent documentation or the making of false statements
11 to the Department.

12 (c) If a prequalification is suspended by the Department
13 without a hearing for any reason set forth in this Section or
14 in Section 10-65 of the Illinois Administrative Procedure Act,
15 the Department, within 30 days after the issuance of an order
16 of suspension of the prequalification, shall initiate a
17 proceeding for the suspension of or other action upon the
18 prequalification.

19 (d) An applicant for prequalification under this Section
20 must, at a minimum, be licensed in Illinois as a professional
21 engineer or architect in accordance with the Professional
22 Engineering Practice Act of 1989 or the Illinois Architecture
23 Practice Act of 1989.

24 (210 ILCS 125/31 new)

25 Sec. 31. Prequalified swimming facility contractor.

1 (a) Any person seeking to perform construction,
2 installation, or major alteration of a swimming facility must
3 be prequalified by the Department. A prequalified swimming
4 facility contractor must be registered and in good standing
5 with the Secretary of State and possess public swimming
6 facility construction experience as determined by rules
7 promulgated by the Department. Persons seeking
8 prequalification pursuant to this Section shall apply for
9 prequalification pursuant to rules adopted by the Department.

10 (b) In addition to any other power granted in this Act to
11 adopt rules, the Department may adopt rules relating to the
12 issuance or renewal of the prequalification of a swimming
13 facility contractor or the suspension of the prequalification
14 of any such person or entity, including, without limitation, an
15 interim or emergency suspension without a hearing founded on
16 any one or more of the bases set forth in this subsection.

17 The bases for an interim or emergency suspension of the
18 prequalification of a swimming facility contractor include,
19 but are not limited to, the following:

20 (1) A finding by the Department that the public
21 interest, safety, or welfare requires a summary suspension
22 of the prequalification without a hearing.

23 (2) The occurrence of an event or series of events
24 which, in the Department's opinion, warrants a summary
25 suspension of the prequalification without a hearing. Such
26 events include, without limitation: (i) the indictment of

1 the holder of the prequalification by a State or federal
2 agency or an other branch of government for a crime; (ii)
3 the suspension or modification of a license by another
4 State agency or by a federal agency or another branch of
5 government after a hearing; (iii) failure to comply with
6 State law, including, without limitation, this Act and the
7 rules promulgated thereunder; and (iv) submission of
8 fraudulent documentation or the making of false statements
9 to the Department.

10 (c) If a prequalification is suspended by the Department
11 without a hearing for any reason set forth in this Section or
12 in Section 10-65 of the Illinois Administrative Procedure Act,
13 the Department, within 30 days after the issuance of an order
14 of suspension of the prequalification, shall initiate a
15 proceeding for the suspension of or other action upon the
16 prequalification.

17 (210 ILCS 125/32 new)

18 Sec. 32. Service animals. It is the duty of a licensee
19 under this Act to allow the use of service animals as defined
20 and prescribed in 28 C.F.R. 35.104, 28 C.F.R. 35.136, 28 C.F.R.
21 35.139, 28 C.F.R. 36.104, 28 C.F.R. 208, and 28 C.F.R. 302(c),
22 et. seq. if the service animal has been trained to perform a
23 specific task or work, in the water, and the use of such animal
24 does not pose a direct threat to the health and safety of the
25 patrons of the facility or the function or sanitary conditions

1 of the facility. Any use of a licensed swimming facility by an
2 animal other than a service animal as authorized under this
3 Section is prohibited.

4 Section 99. Effective date. This Act takes effect January
5 1, 2013.".